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BOSTON MA 02110

In re Application of
Manehide Kano et al
Serial No.: 09/823699
Filed: March 30, 2001
Attorney Docket No.: 50026/022002

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: PETITION DECISION
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This is a response to the petitions under 37 CFR 1.59(b), filed August 2, 2004 and August 22, 2003, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that documents submitted August 2, 2004, and July 31, 2003 as a Proprietary Information Disclosure Statements be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This is an examined application in which a Notice of Appeal has been filed. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements. The listing of references cannot be returned.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to a Notice of Allowability or *ex parte* Quayle action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number, 703-872-9306.

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